



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
October 30, 2012**

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19-12

PMH:pmh

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, October 30, 2012, at 12:03 p.m., there were present:

- Chairman Sharon Bulova, presiding
- Supervisor John C. Cook, Braddock District
- Supervisor John W. Foust, Dranesville District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Linda Q. Smyth, Providence District

Others present during the meeting were Edward L. Long Jr., County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant County Executive and Clerk to the Board of Supervisors; and Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors.

BOARD MATTERS1. **ORDERS OF THE DAY** (12:03 p.m.)

Chairman Bulova announced that today's meeting would be truncated due to weather conditions resulting from Hurricane Sandy.

Chairman Bulova noted that the "Presentations" portion of the meeting would not be held and that all affected parties had been notified. She added that later in the meeting, at the appropriate time, the public hearings would be deferred.

(NOTE: Later in the meeting the public hearings were formally deferred. See Clerk's Summary Items #33-43.)

2. **MOMENT OF SILENCE** (12:04 p.m.)

Supervisor Gross asked everyone to keep in thoughts the family of Mr. Jim Nash Glenn who recently died. She noted that he retired from the military, was a government employee, and was 95 years old. He was one of the founders of Service Source.

Chairman Bulova asked everyone to keep in thoughts those affected by Hurricane Sandy as well as the Urban Search and Rescue Team that was deployed yesterday to assist in recovery efforts.

3. **BRIEFING ON HURRICANE SANDY** (12:07 p.m.)

David Rohrer, Deputy County Executive for Public Safety and David McKernan, Director, Office of Emergency Management, presented an update on the impacts of Hurricane Sandy.

Discussion ensued, with input from David P. Bobzien, County Attorney, and Michael H. Long, Deputy County Attorney, regarding power outages at polling places and satellite voting. Mr. Long noted that the Board can extend the satellite hours.

Supervisor Hyland asked unanimous consent that the Board direct the Registrar and the County Attorney to report with options for extending the hours for absentee voting. Without objection, it was so ordered.

(NOTE: Later in the meeting there was an announcement regarding extended hours for absentee voting. See Clerk's Summary Item #44.)

Supervisor Hyland asked unanimous consent that the Board direct staff to work on improving the communication between the commander on site and the McConnell Public Safety and Transportation Operations Center. Without objection, it was so ordered.

Discussion ensued regarding:

- Outstanding staff communication with Board Members
- Road closure information
- Good preparation for the storm
- Tree removal

Chairman Bulova commended Merni Fitzgerald, Director, Office of Public Affairs, and her staff, on the County's emergency blog. Ms. Fitzgerald noted that the County used a crowd sourcing blog whereby the public is asked to plot on the map where there are power outages or downed trees.

Supervisor Hyland asked unanimous consent that the Board direct staff to send a letter of appreciation for their efforts during the storm to:

- Out-of-State power companies that sent utility resources to assist the County
- Dominion Power
- The Virginia Department of Transportation (VDOT)

Supervisor Herrity asked to amend the request to include the Northern Virginia Electric Cooperative (NOVEC), and this was accepted.

Without objection, as amended, it was so ordered.

AGENDA ITEMS

4. **CERTIFICATES OF RECOGNITION AND PROCLAMATIONS** (No Time)

(NOTE: Earlier in the meeting, it was announced that today's presentations would not be held. See Clerk's Summary Item #1.)

The following is a list of Certificates of Recognition and Proclamations that were scheduled, but not presented:

- Certificates of Recognition for student volunteers and representatives of Emmanuel Lutheran, Fairfax Presbyterian, and Vienna Presbyterian faith organizations
- Certificate of Recognition for Ms. Gail Kinsey

- Certificate of Recognition for Captain Patrick Horan and his family
- Proclamation designating November 30, 2012, as "*Jeans Day*" in Fairfax County
- Proclamation designating November 2012 as "*American Indian Heritage Month*" in Fairfax County

PMH:pmh/EBE:ebe

5. **10:30 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (12:32 p.m.)

(APPTS)
(BACs)

Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the "Appointments to be Heard October 30, 2012," as included in the Board package. Supervisor Hyland and Supervisor Smyth jointly seconded the motion.

Supervisor Cook asked to amend the motion to reappoint:

- Ms. Jeanne Kadet as the Braddock District appointee to the Tree Commission
- Ms. Nancy Krakover as the Braddock District Representative to the Commission for Women

This was accepted.

The question was called on the motion, as amended, and it carried by unanimous vote.

Chairman Bulova noted that Ms. Lynne Schlaaf-Crammer has resigned as the At-Large #4 Representative to the Fairfax-Falls Church Community Services Board and thanked her for her service to the County. Chairman Bulova announced the nomination of Mr. Willard Ken Garnes to replace Ms. Schlaaf-Crammer on the board.

Appointments are as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

The Board deferred the appointment of the Mount Vernon District Representative.

ADVISORY SOCIAL SERVICES BOARD

The Board deferred the appointments of the At-Large Chairman's Representative, Hunter Mill, Mount Vernon, and Sully District Representatives.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointments of the Citizen and the Lending Institution Representatives.

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Mason District Representative.

ARCHITECTURAL REVIEW BOARD

The Board deferred the appointment of the Related Professional Group #3 Representative.

ATHLETIC COUNCIL

The Board deferred the appointments of the Dranesville District Principal Representative, Providence District Alternate Representative, and the Women's Sports Alternate Representative.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

The Board deferred the appointments of the Hunter Mill, Mason, Mount Vernon, and Springfield District Representatives.

CELEBRATE FAIRFAX, INCORPORATED BOARD OF DIRECTORS

Appointment of:

- Ms. Juliann Jordan Clemente as the At-Large #4 Representative

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Sully District Representative.

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointments of the Lee, Mason, Mount Vernon, and Providence District Representatives.

CITIZEN CORPS COUNCIL

The Board deferred the appointment of the Providence District Representative.

COMMISSION FOR WOMEN

Re-appointment of:

- Ms. Nancy Krakover as the Braddock District Representative

The Board deferred the appointments of the At-Large Chairman's Representative, and the Dranesville and Hunter Mill District Representatives.

COMMUNITY POLICY AND MANAGEMENT TEAM, FAIRFAX-FALLS CHURCH

Confirmations of:

- Ms. Sandra M. Porteous as the Private Services Provider #1 Representative
- Mr. Rick Leichtweis as the Private Services Provider #2 Representative

CONSUMER PROTECTION COMMISSION

The Board deferred the appointments of the Fairfax County Resident #3 and #7 Representatives.

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

The Board deferred the appointments of the At-Large Representative, and the Braddock, Hunter Mill, Mason, and Providence District Representatives.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

The Board deferred the appointments of the Hunter Mill and Providence District Representatives.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointment of the Sully District Representative.

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

Confirmations of:

- Ms. Elizabeth D'Alelio as the Advisory Social Services Board Representative
- Ms. Marie J. Woodard as the Long Term Care Providers #21 Representative
- Mr. Stephen A. Morrison as the Advocacy Organizations #2 Representative
- Ms. Doris Ray as the Advocacy Organizations #3 Representative
- Mr. Thomas B. Bash as the Commission on Aging Representative
- Mr. Steve Yaffe as the Community/Religious Leaders #1 Representative
- Mr. Gerald Hopkins as the Community/Religious Leaders #2 Representative
- Mr. Philip Reeves as the Community/Religious Leaders #5 Representative
- Ms. Sally S. Hottle as the Community/Religious Leaders #7 Representative
- Ms. Betty Ann K. Yurkewitch as the Community/Religious Leaders #9 Representative
- Ms. Jessica S. Burmester as the Constituents/Consumer #1 Representative
- Ms. Maureen Hallman as the Constituents/Consumer #2 Representative
- Ms. Dorothy Keenan as the Constituents/Consumer #3 Representative
- Mr. Tapan Banerjee as the Disability Services Board Representative

- Dr. Michael Behrmann as the Educational Organizations #1 Representative
- Mr. Mark R. Meiners as the Educational Organizations #3 Representative
- Dr. Cathleen Lewandowski as the Educational Organizations #4 Representative
- Ms. Ann L. Long as the Educational Organizations #5 Representative
- Ms. Robin E. Remsburg as the Educational Organizations #6 Representative
- Ms. Jocelyn Rappaport as the Fairfax City Representative
- Mr. Albert J. McAloon as the Redevelopment and Housing Authority Representative
- Mr. Ellwood Witt, Jr. as the Fairfax-Falls Church Community Services Board Representative
- Ms. Rosanne L. Rodilosso as the Health Care Advisory Board Representative
- Ms. Patricia D. Williams as a Long Term Care Providers #1 Representative
- Ms. Judy Seiff as a Long Term Care Providers #3 Representative
- Ms. Karen Brown as a Long Term Care Providers #7 Representative
- Mr. Myles Nienstadt as a Long Term Care Providers #10 Representative
- Ms. Donna A. Golbranson as a Long Term Care Providers #12 Representative
- Ms. April-Lyn Pinch Keeler as a Long Term Care Providers #13 Representative
- Mr. Steve Gurney as a Long Term Care Providers #14 Representative

- Ms. Nancy Mercer as a Long Term Care Providers #19 Representative
- Mr. Benjamin Brown as the Medical Community #1 Representative
- Ms. Elizabeth Major as the Medical Community #2 Representative
- Dr. Terrence McCormally as the Medical Community #3 Representative

FAIRFAX –FALLS CHURCH COMMUNITY SERVICES BOARD

Appointment of:

- Mr. Juan Pablo Segura as the Dranesville District Representative

Nomination of:

- Mr. Mr. Willard Ken Garnes as the At-Large #4 Representative

(The Board is scheduled to take action on this appointment on November 20, 2012.)

The Board deferred the appointment of the Sully District Representative.

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointments of the Consumer #1 and #6 Representatives and the Provider #1 and #3 Representatives.

HUMAN RIGHTS COMMISSION

The Board deferred the appointments of the At-Large #1 and #3 Representatives.

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the Mount Vernon District #1 Representative.

INDUSTRIAL DEVELOPMENT AUTHORITY

Reappointment of:

- Mr. Charles Watson as the At-Large #7 Representative

The Board deferred the appointment of the At-Large #1 Representative.

LIBRARY BOARD

The Board deferred the appointment of the Hunter Mill District Representative.

NORTHERN VIRGINIAL REGIONAL PARK AUTHORITY

The Board deferred the appointment of the Fairfax County #2 Representative.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointments of the Hunter Mill and Sully District Representatives.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointment of the Fairfax County #2 Representative.

TENANT LANDLORD COMMISSION

The Board deferred the appointment of the Tenant Member #3 Representative.

TREE COMMISSION

Reappointment of:

- Ms. Jeanne Kadet as the Braddock District Representative

The Board deferred the appointments of the Dranesville, Hunter Mill, Lee, and Providence District Representatives.

TRESPASS TOWING ADVISORY BOARD

The Board deferred the appointment of the Citizen Alternate Representative.

WETLANDS BOARD

Appointment of:

- Mr. Clyde Wilber as the Springfield District Representative

YOUTH BASKETBALL COUNCIL ADVISORY BOARD

Confirmations of:

- Mr. E. J. Thomas as the Treasurer and Vienna Youth Incorporated Representative

- Mr. Dave Vennergrund as the Chairman
- Mr. Gordon Austin as the Commissioner and the Burke Basketball Representative
- Mr. Eric Cooksey as the Secretary and the Herndon Optimist Club Representative
- Mr. David Maher as the Arlington County Recreation Representative
- Mr. James Bosley as a Member At-Large Representative
- Mr. Grady Bryant as a Member At-Large Representative
- Mr. Frank DeLatour as the Parliamentarian
- Mr. Charles Chandler as the Scheduler
- Mr. Christopher Pulley as the Fairfax County Recreation Representative
- Ms. Kate Sciorra as the Boys Deputy Commissioner
- Mr. Marvin Elliott as the Alexandria City Recreation Representative
- Mr. Lezone Kenney as the Annandale Boys and Girls Club Representative
- Mr. Phil McConnell as the Arlington County Alternate Representative
- Mr. Daryl Lucas as the Baileys Community Center Representative
- Mr. Soan Gibson as the Baileys Community Center Alternate Representative
- Mr. Chris D'Anna as the Braddock Road Youth Club Representative
- Mr. Jim Watson as the Braddock Road Youth Club Alternate Representative
- Mr. Mark Tavernier as the Girls Deputy Commissioner and the Burke Basketball Alternate Representative

- Mr. David Posz as the Chantilly Youth Association Representative
- Mr. Rick Shryock as the Chantilly Youth Association Alternate Representative
- Mr. Marcos Poole as the Fairfax Police Youth Club Representative
- Mr. Kirk Intermill as the Fairfax Police Youth Club Alternate Representative
- Mr. Chris Madison as the Falls Church Parks and Recreation Representative
- Mr. Danny Schlitt as the Falls Church Parks and Recreation Alternate Representative
- Mr. Alton Greene as the Fort Belvoir Youth Services Representative
- Mr. Herb Marshall as the Fort Belvoir Youth Services Alternate Representative
- Mr. Jack Lohrer as the Fort Hunt Youth Athletic Association Representative
- Mr. Chip Gately as the Fort Hunt Youth Athletic Association Alternate Representative
- Mr. Brian Miller as the Gainesville Basketball Association Representative
- Mr. Jason Knight as the Gainesville Basketball Association Alternate Representative
- Mr. Richard Warrick as the Great Falls Basketball Representative
- Ms. Ayannah Arrington as the Gum Springs Community Center Representative
- Mr. Chris Watari as the Herndon Optimist Club Alternate Representative
- Mr. Jimmy Bernardez as the James Lee Community Center Representative

- Ms. Kim Thompson as the Lee District Basketball Representative
- Mr. Dennis McMinn as the Lee District Basketball Alternate Representative
- Mr. Brian Sales as the Lee Mount Vernon Sports Club Representative
- Mr. Wes Peterson as the Lee Mount Vernon Sports Club Alternative Representative
- Mr. Jeff Goettman as the McLean Youth Incorporated Representative
- Mr. Gerry Megas as the McLean Youth Incorporated Alternate Representative
- Mr. David Fields as the Mount Vernon Youth Association Representative
- Mr. Stacey Johnson as the Mount Vernon Youth Association Alternate Representative
- Mr. Mitch Kalman as the Reston Youth Basketball League Representative
- Mr. John Schmid as the Reston Youth Basketball League Alternate Representative
- Mr. Ed Knox as the Southwestern Youth Association Representative
- Mr. Bob Korman as the Southwestern Youth Association Alternate Representative
- Mr. Chris Spera as the Springfield Youth Club Representative
- Mr. Mike Mastrota as the Turnpike Basketball Club Representative
- Mr. Tom Stepka as the Turnpike Basketball Club Alternate Representative
- Ms. Taylor Roberts as the Vienna Youth Incorporated Alternate Representative

PMH:pmh

6. **ADMINISTRATIVE ITEMS** (12:34 p.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Hyland seconded the motion.

Supervisor Smyth asked to amend the motion to consider separately Admin 12 - Authorization to Advertise a Public Hearing on the Proposed Creation of a Tysons Transportation Service District, and this was accepted.

The question was called on the motion, as amended, and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 1830 PEABODY DRIVE, FALLS CHURCH, VA 22043 (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 20, 2012, at 4 p.m.** to consider a Spot Blight Abatement Ordinance for 1830 Peabody Drive, Falls Church, VA 22043, Tax Map Number 040-1 ((03)) 0433.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 11388 DORCEY PLACE, LORTON, VA 22079 (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 20, 2012, at 4 p.m.** to consider a Spot Blight Abatement Ordinance for 11388 Dorcey Place, Lorton, VA 22079, Tax Map Number 119-4 ((02)) (07) 0003.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 6629 SPRING VALLEY DRIVE, ALEXANDRIA, VA 22312 (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 20, 2012, at 4 p.m.** to consider a Spot Blight Abatement Ordinance for 6629 Spring Valley Drive, Alexandria VA 22312, Tax Map Number 071-4 ((09)) 0049.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF HUNTSMAN LAKE DAM REHABILITATION (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 4, 2012, at 4 p.m.** regarding the acquisition of certain land rights necessary for the construction of Project SD-000033-023, (also known as Project FX4000-PC014), Huntsman Lake Dam Rehabilitation, Fund 400-C40101, Stormwater Services.

ADMIN 5 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, HUNTER MILL, MASON, PROVIDENCE, AND SPRINGFIELD DISTRICTS)

- (R) Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Hastings Crest	Dranesville	Colvin Run Road (Route 743) [Additional Right-of-Way (ROW) Only]
Reston Block 6, Section 904 (Storage USA)	Hunter Mill	Sunrise Valley Drive (Route 5320) (Additional ROW Only)
Jefferson at Sullivan Place	Mason	Bren Mar Drive (Route 1292) (Additional ROW Only)
Re-Subdivision of Lot 24, Farr and McCandlish Lot 3	Mason	Annandale Road (Route 650) (Additional ROW Only)
BMW of Fairfax Service Facility	Providence	Old Lee Highway (Route 3741) (Additional ROW Only)
Murthy Manors	Providence	Dorian Drive Marbury Road (Route 806) (Additional ROW Only)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Fair Oaks	Springfield	Ruffin Court (Route 10290)

ADMIN 6 – AUTHORIZATION FOR THE HEALTH DEPARTMENT TO APPLY FOR AND ACCEPT FUNDING FROM THE VIRGINIA DEPARTMENT OF HEALTH (VDH) FOR THE MATERNAL, INFANT, AND EARLY CHILDHOOD HOME VISITING (MIECHV) GRANT

Authorized the Health Department to apply for and accept funding, if received, from the Virginia Department of Health in the amount of \$729,536 for the MIECHV Grant. If awarded, these funds would be used to implement the Nurse-Family Partnership® (NFP) evidence-based early childhood home visiting service delivery model. If funded, the total amount of grant funds received by the County would be \$729,536 over 16 months, with the option to renew for one successive year period. The initial award period for this grant is December 1, 2012, through March 30, 2014. Funding will support the establishment of four Public Health Nurse II grant positions. No local cash match is required.

ADMIN 7 – APPROVAL OF A RESOLUTION TO ALLOW LIFESTAR RESPONSE TO OPERATE ONE ADVANCED LIFE SUPPORT (ALS) AMBULANCE AND ONE BASIC LIFE SUPPORT (BLS) AMBULANCE WITHIN THE COUNTY

- (R) Adopted a Resolution authorizing LifeStar to operate one ALS ambulance and one BLS ambulance within the County.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX R, TO ESTABLISH PARKING RESTRICTIONS ON DRACO STREET, THUNDERBOLT PLACE, AND FLINT LEE ROAD (SPRINGFIELD AND SULLY DISTRICTS)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 20, 2012, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix R, to prohibit commercial vehicles, as defined in the Chapter 82 (Motor Vehicles and Traffic), Section 82-5-7, recreational vehicles, and all trailers from parking on the following streets seven days per week:

- South side of Draco Street along the northern property line of Rolling Valley Mall (Springfield District)
- The entire length of Thunderbolt Place, from 9 p.m. to 6 a.m. (Sully District)

- The entire length of Flint Lee Road, from 7 p.m. to 6 a.m. (Sully District)

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, EXPANDING THE DUNN LORING RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 3 (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 4, 2012, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Dunn Loring RPPD, District 3 (Providence District). The proposed District expansion includes Cottage Street (Route 2401), from Bucknell Drive to Marymount Lane.

ADMIN 10 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (DRANESVILLE, PROVIDENCE, AND MOUNT VERNON DISTRICTS)

Authorized the extension of review periods for the following Public Facility (2232) Review Applications to the dates noted:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
456A-D95-19 -2	T-Mobile Northeast, LLC Equipment expansion at base of existing lattice tower 9916 Georgetown Pike, Great Falls Dranesville District	December 29, 2012
2232A-P05-9-1	Sprint Antenna collocation on existing monopole Oakton High School 2900 Sutton Road, Vienna Providence District	December 29, 2012
FS-V12-17	Prince William County Government Antenna collocation on existing guyed radio tower 9900 Landfill Road, Lorton (Board of Supervisors property) Mount Vernon District	December 29, 2012

ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 30 (HOME CHILD CARE FACILITIES ORDINANCE), ARTICLES 1 AND 3 AND CHAPTER 112 (ZONING ORDINANCE), SECTION 10-103

- (A) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be before the Board on **November 20, 2012, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), and Chapter 30 (Home Child Care Facilities Ordinance), regarding home child care facilities.

ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CREATING A NEW APPENDIX U (TYSONS TRANSPORTATION SERVICE DISTRICT)

(NOTE: Earlier in the meeting, the Board voted to consider this item separately. See page 14.)

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Board Summary Item #7.)

ADMIN 13 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 7239 DELL AVENUE, CLIFTON, VA 20124 (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 20, 2012, at 4 p.m.** to consider a Spot Blight Abatement Ordinance for 7239 Dell Avenue, Clifton, VA 20124, Tax Map Number 085-2 ((2)) 0011A.

ADMIN 14 – PROPOSED ADDITION FOR PORTIONS OF PINEY BRANCH ROAD/ROUTE 6187 AND PHEASANT RIDGE ROAD/ROUTE 6461 TO THE SECONDARY SYSTEM OF STATE HIGHWAYS (BRADDOCK DISTRICT)

- (R) Adopted the Resolution authorizing the addition of portions of Piney Branch Road/Route 6187 and Pheasant Ridge Road/Route 6461 be added to the Secondary System of State Highways.

7. **ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CREATING A NEW APPENDIX U (TYSONS TRANSPORTATION SERVICE DISTRICT)** (12:36 p.m.)

- (A) Supervisor Smyth called the Board's attention to the Board Agenda Item regarding the authorization to advertise a public hearing to consider proposed

amendments to the Code of the County of Fairfax, creating a new Appendix U (Tysons Transportation Service District), and noted that there was a massive amount of confusion about who is or is not within the boundaries of the transportation service district. She suggested that staff send notification to property owners who are included within the boundaries and with information about the service district.

Supervisor Hudgins noted that explanation of the map needs to be clear in terms of the Dulles Toll Road and why it is included.

Discussion ensued regarding the proposal and its advertisement, with input from Michael H. Long, Deputy County Attorney, and Tom Biesiadny, Director, Department of Transportation.

Supervisor Foust moved that the Board authorize the advertisement of a public hearing to be held before the Board on **December 4, 2012, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, creating a new Appendix U (Tysons Transportation Service District). Chairman Bulova seconded the motion and it **CARRIED** by a recorded vote of eight, Supervisor Herrity and Supervisor Smyth voting “NAY.”

Supervisor Smyth moved that the Board direct staff to send notification to property owners in Tysons to give them the information they need about the service district and the public hearing. Supervisor Foust, Supervisor Herrity, and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

8. **A-1 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION** (12:50 p.m.)

On motion of Supervisor Gross, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the transfer of the State Litter Prevention and Recycling Grant Funding to Clean Fairfax Council, Incorporated.

9. **A-2 – RENEWAL OF A MEMORANDUM OF AGREEMENT BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE UNITED STATES BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES** (12:50 p.m.)

On motion of Supervisor Gross, seconded by Supervisor Hyland, and carried by a unanimous vote, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign a MOA between the FCPD and the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

10. **A-3 – ENDORSEMENT OF THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY’S (NVTA) TRANSACTION 2040 LONG-RANGE TRANSPORTATION PLAN** (12:51 p.m.)

(R) Supervisor McKay moved that the Board concur in the recommendation of staff and adopt a Resolution endorsing the NVTA’s TransAction 2040 Long-Range Transportation Plan. Supervisor Foust seconded the motion.

Discussion ensued, with input from Tom Biesiadny, Director, Department of Transportation (DOT), and Noelle Dominguez, Planner, Coordination and Funding Division, DOT, regarding:

- The number of projects
- The extension of light rail from Dunn Loring to Inova Fairfax Hospital which does not include additional capacity on I-66 inside or outside of the beltway
- Performance evaluation criteria used in weighting the 200 plus projects
- The impact this plan has given that NVTA does not have funding

Supervisor Herrity asked unanimous consent that the Board direct staff to report with the benefit cost analysis for light rail from Dunn Loring to Inova Fairfax Hospital. Without objection, it was so ordered.

Discussion continued regarding:

- Shuttle service from Dunn Loring to Inova Fairfax Hospital
- Bus rapid transit as well as light rail and other financially viable alternatives

Supervisor McKay noted for the record that an intense study of transit alternatives is being done on the Richmond Highway corridor. He added that, while blue and yellow line extensions are mentioned, if the study and analysis shows that there is something more efficient, such as enhanced Virginia Regional Transit (VRT) or light rail, then adjustments would be made.

Discussion ensued, with input from Mr. Biesiadny and Ms. Dominguez, regarding additional Potomac River crossings.

The question was called on the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE.”

11. **A-4 – APPROVAL OF STATE LITTER PREVENTION AND RECYCLING GRANT FUNDING TRANSFER TO CLEAN FAIRFAX COUNCIL, INCORPORATED** (1:05 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the transfer of the State Litter Prevention and Recycling grant funding in the amount of \$145,292 to Clean Fairfax Council, Incorporated. Supervisor Foust and Chairman Bulova jointly seconded the motion.

Discussion ensued, with input from Jennifer Cole, Clean Fairfax, Council, Incorporated, regarding the:

- Use and allocation of the grant funding
- Grant funding for the Towns of Clifton, Herndon, and Vienna

The question was called on the motion and it carried by unanimous vote.

12. **A-5 – APPROVAL OF AN AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 5, OFFENSES** (1:11 p.m.)

- (O) On motion of Supervisor Gross, seconded by Supervisor Hyland, and carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” the Board concurred in the recommendation of staff and adopted an Ordinance approving amendments to the Code of the County of Fairfax, Chapter 5 (Offenses), repealing Section 5-1-7(b), relating to participating in a riot.

13. **A-6 – APPROVAL OF THE FARE STRUCTURE FOR THE EXPRESS CONNECTOR ROUTES TO TYSONS (BRADDOCK, DRANESVILLE, HUNTER MILL, LEE, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)** (1:11 p.m.)

On motion of Supervisor McKay, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved an express fare of \$3.65 for the Tysons Express Connector routes.

14. **A-7 – APPROVAL OF TESTIMONY FOR PUBLIC HEARING ON COMMONWEALTH OF VIRGINIA’S SIX-YEAR IMPROVEMENT PROGRAM FOR INTERSTATE, PRIMARY, AND URBAN HIGHWAY SYSTEMS AND PUBLIC TRANSPORTATION FOR FISCAL YEAR (FY) 2014 THROUGH FY 2019** (1:12 p.m.)

Supervisor McKay moved that the Board concur in the recommendation of staff and approve the testimony transmitting the recommendations of the Board and

emphasizing its concerns regarding allocations to Interstate, Primary, and Urban Highway Systems and Public Transportation projects, facilities, and services. Supervisor Foust seconded the motion.

Supervisor McKay called the Board's attention to the handout entitled "*Additional Language for Action Item - 7*" which highlights the fact that \$1.4 billion for the Route 460 Project is partially coming out of the \$300 million saved from the I-95 HOT Lanes project. He reminded the Board that the County was promised \$195 million for transit improvements along the I-495 HOT lane area and the State has indicated that it can only commit \$22.8 million and instead sent \$300 million out of Northern Virginia to fund Route 460 in another part of the State. He said that that money is needed for the transit needs in the HOT lanes area and he noted that any dollar that can be dedicated to the Rail to Dulles project is savings for the Toll Road users. He said that the language highlights the need to keep the \$300 million in Northern Virginia.

Discussion ensued with input from Tom Biesiadny, Director, Department of Transportation, regarding funding for Route 7 improvements.

Supervisor McKay noted that the Commonwealth Transportation Board's (CTB) public hearing was scheduled for today, but has been deferred due to weather conditions.

The question was called on the motion and it carried by unanimous vote.

15. **A-8 – AUTHORIZATION OF FUNDING FROM THE ROUTE 28 HIGHWAY TRANSPORTATION IMPROVEMENT DISTRICT PROJECT COMPLETION FUND (PCF) FOR WIDENING PROJECTS** (1:17 p.m.)

On motion of Supervisor Frey, seconded by Chairman Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved, in conjunction with the Loudoun County Board of Supervisors, the release of up to \$5 million from the Route 28 District Project Completion Fund for the construction of the Route 28 Southbound Bridge over the Dulles Toll Road and the design of the Route 28 Northbound Bridge over the Dulles Toll Road.

16. **A-9 – AUTHORIZATION FOR THE COUNTY EXECUTIVE TO SIGN THE REVISED PROGRAMMATIC AGREEMENT (PA) RELATIVE TO THE WIDENING OF US ROUTE 1 (RICHMOND HIGHWAY) FROM TELEGRAPH ROAD TO MOUNT VERNON MEMORIAL HIGHWAY (MOUNT VERNON DISTRICT)** (1:18 p.m.)

On motion of Supervisor Hyland, seconded by Supervisor McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the County Executive to sign the revised PA among the Federal Highway Administration, US Army Garrison Fort Belvoir, the Virginia Department of Transportation, Catawba Indian Nation, National Trust for Historic

Preservation, the Advisory Council on Historic Preservation, the Virginia State Historic Preservation Officer, and the County, relative to the widening of US Route 1, as shown in Attachment One of the Board Agenda Item dated October 30, 2012.

17. **I-1 – FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) FISCAL YEAR (FY) 2013 FEE SCHEDULE** (1:18 p.m.)

The Board next considered an item contained in the Board Agenda dated October 30, 2012, requesting authorization for staff to proceed with the implementation of the CSB FY 2013 Fee Schedule.

The staff was directed administratively to proceed as proposed.

18. **I-2 – REQUEST FOR INTEREST (RFI) - INTERIM METRORAIL PARKING IN TYSONS** (1:19 p.m.)

The Board next considered an item contained in the Board Agenda dated October 30, 2012, requesting authorization for staff to proceed with the RFI for interim parking.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

19. **NO BOARD MATTERS FOR CHAIRMAN BULOVA** (1:19 p.m.)

Chairman Bulova announced that she had no Board Matters to present today.

20. **HEALTH INSURANCE COST REDUCTION STRATEGIES** (1:20 p.m.)

In a joint Board Matter with Supervisor Gross, Supervisor Herrity said that the cost of health insurance is one of the fastest rising costs of businesses and local governments and the County is no exception. Over the last 10 years, the cost of health benefits have risen more than 50 percent above the combined rates of inflation and population growth in the County. This year alone, County health insurance premiums rose nearly 14 percent, 75 percent higher than the national average for large employers (8 percent). Health care reform is expected to make these numbers worse.

Supervisor Herrity noted that the Department of Human Resources is finalizing a Request for Proposal (RFP) to solicit bids for a health insurance provider. He expressed his belief that the Board needs to be briefed on the strategy before this RFP is released. He expressed the following concerns:

- The stated objective of consolidating all County plans to one provider. While this strategy made sense for the pension plans it

does not for health plans. Most large employer plans have multiple providers reflecting their needs. One insurer will not be able to meet the diverse needs of the County's health plans in an economically efficient way with one provider.

- The attempt to include wellness into the plan versus a standalone, but integrated, wellness vendor. Industry averages for these standalone long term wellness plans is a three to one payoff over three years and that is just the cost of health insurance. Wellness programs are also proven to reduce employee absenteeism, reduce disability claims, and result in a healthier and more productive workforce. Typically the programs start with rewards for physicals, biometric screenings, and health risk assessments and grow into rewards, including lower premiums for complying with wellness plans, healthy living management, and employee engagement. Wellness providers can also work with multiple health plan providers.
- The need for integrated health risk management. Approximately 60 to 70 percent of claims activity is typically driven by choices employees make. If there is no reward (penalty) for making different choices, employees won't change and medical inflation will not change. It is unclear how the RFP will lead to an integrated health management approach.
- How the RFP and the health insurance strategy is preparing the County for the challenges of health care reform including auto enrollment in 2014 and the 40 percent "Cadillac plan" tax in 2018 that could have a significant impact. The projection on the impact of the tax and how the County is adjusting to meet the challenges.

Supervisor Herrity said that large employers are moving towards integrated health risk management programs which include wellness management strategies. These management strategies actively monitor the overall conditions of the insured population, require participation in proactive health management strategies, and promote staying healthy through premium reduction incentives. As the second largest employer in the County, behind only the public schools, it is important that the County be a leader in these cutting-edge healthcare cost reduction strategies and employee wellness care.

Therefore, Supervisor Herrity moved that, prior to the release of the health insurance RFP, the Department of Human Resources brief the Board at the next available opportunity on the issues raised in this matter to include, specifically, the pros and cons of a single health insurance provider, including how a single provider will meet the diverse needs of County employees, the pros and cons of

including wellness management into the health insurance RFP versus a standalone but integrated provider, what are the components of the planned wellness management plan and what the impact of the Cadillac tax is projected to be and how we are responding to it. Supervisor Gross seconded the motion.

Discussion ensued regarding the motion, with input from Edward L. Long Jr., County Executive.

Supervisor Hyland asked unanimous consent that the Board direct staff to report with information regarding:

- The Board's options as a local government under present State law regarding smokers
- If the Board does not have the authorities should it consider asking for that authority to find a way to encourage and require persons to participate in programs that are intended to help them to be healthier.

Without objection, it was so ordered.

David P. Bobzien, County Attorney, noted that these issues could be included in the Personnel Committee discussion.

Supervisor Hudgins asked unanimous consent that the Board also include the Schools in the discussion. Without objection, it was so ordered.

The question was called on the motion and it carried by unanimous vote.

21. **WAIVER OF CONTIGUOUS SPACES REQUIREMENT FOR RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) PROGRAM (PROVIDENCE DISTRICT)** (1:31 p.m.)

Supervisor Smyth said that there is a situation in a Providence District neighborhood that has had a negative impact on her constituents' quality of life. Specifically, in a section of Merrifield there have been safety and parking issues associated with over-parking of non-resident vehicles from an office building immediately adjacent to subdivisions and operating under international status as a consular facility.

Based on the consistently high volume of non-resident parking that is displacing residents, limiting pedestrian and vehicular sight lines, and negatively impacting Providence District constituents' quality of life, Supervisor Smyth moved approval for a waiver of the 100 contiguous parking spaces requirement to permit the Merrifield View communities' request for acceptance into the RPPD program. Supervisor Foust seconded the motion and it carried by unanimous vote.

22. **REQUEST FOR CONSIDERATION OF A COMPREHENSIVE PLAN AMENDMENT AND CONCURRENT PROCESSING OF REZONING APPLICATION RZ 2011-PR-025 (PROVIDENCE DISTRICT)** (1:32 p.m.)

Supervisor Smyth said that there is an area, in the Providence District, along Route 7 across from George Mason High School that was planned as part of the West Falls Church Transit Station Area in the 1980's. The planning for this area includes a recommendation to redevelop a portion of the area located west of Chestnut Street to 12-16 dwelling units per acre. It also includes transportation recommendations that would close the Chestnut Street access to Route 7. Both of these recommendations are problematic and cannot be implemented without severely impacting the surrounding neighborhoods which is contrary to the Comprehensive Plan.

Therefore, Supervisor Smyth moved that the Board authorize:

- The consideration of a Comprehensive Plan amendment for Land Units F,G,H,I, and J in the West Falls Church Transit Station Area. This consideration should look at recommendations for land use and transportation as well as the wisdom of including this area in the transit station area given its distance from the Metro station and the barrier that Route 7 represents.
- Concurrent processing of Chestnut Street, LLC, Rezoning Application RZ 2011-PR-025.

This motion shall not be construed as a favorable recommendation by the Board on the proposed application, and does not relieve the applicants from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. Supervisor Foust seconded the motion and it carried by unanimous vote.

23. **EXIT INTERVIEW PROCESS FOR COUNTY EMPLOYEES** (1:34 p.m.)

In a joint Board Matter with Supervisor Gross, Supervisor Cook said that employees state openly and often how proud they are to work for the County. He added that the Board seeks their input into the budget process and other County policies. He expressed the opinion that the Board should also seek their input into County working conditions and compensation through exit interviews of departing employees.

Commonly done in the private sector, Supervisor Cook said that exit interviews can provide invaluable insight into the weaknesses from a unique and very important perspective. And when done in a comprehensive and standard fashion Exit Interviews can provide actionable data that can help increase employee retention, correct mistakes, or further improve areas in which management already excels. The idea would be to ask departing employees why they are

leaving, to give a recap of their employment experience, and to provide their views of the "best and worst" of County employment. Interviews would be standardized and private, with compiled data reported to the Board on an annual basis.

Therefore, jointly with Supervisor Gross, Supervisor Cook moved that the Board direct staff to develop an outline of an Exit Interview process for Board discussion at a future Personnel Committee meeting. Supervisor Gross and Supervisor Hudgins seconded the motion.

Following discussion of the motion, the question was called on the motion and it carried by unanimous vote.

24. **RETIREMENT OF MS. DIANE HOFFMAN (BRADDOCK DISTRICT)** (1:37 p.m.)

In a joint Board Matter with Supervisor Gross, Supervisor Cook referred to his written Board Matter outlining the many accomplishments of Dianne Hoffman, a Braddock and Red Fox Forest resident and Director, Northern Virginia Soil and Water Conservation District.

Therefore, Supervisor Cook asked unanimous consent that the Board direct staff to invite Ms. Hoffman to appear before the board to be recognized for her many years of service. Without objection, it was so ordered.

25. **HOUSE JOINT RESOLUTION (HJR) 648** (1:42 p.m.)

Supervisor Hudgins noted that last year the Legislative Committee directed staff to work with Delegate Plum to sponsor a bill on behalf of the Reston Accessibility Committee. She said that the bill resulted in HJR 648 a study on the bill's feasibility. The study has been completed and compromises developed.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to analyze HJR 648 and review the compromises with the advocates and make recommendations to the Legislative Committee as to whether to include in this year's legislative package. Without objection, it was so ordered.

26. **NO BOARD MATTERS FOR SUPERVISOR HYLAND (MOUNT VERNON DISTRICT)** (1:44 p.m.)

Supervisor Hyland had no Board Matters to present today.

27. **DEFERRAL OF PUBLIC HEARINGS** (1:45 p.m.)

Following a question from Supervisor McKay regarding the deferral of today's public hearings, David P. Bobzien, County Attorney, stated that the hearings will **not** need to be re-advertised if the Board defers them at their scheduled time.

28. **NO BOARD MATTERS FOR SUPERVISOR FOUST (DRANESVILLE DISTRICT)** (No Time)

Supervisor Foust had no Board Matters to present today.

29. **NO BOARD MATTERS FOR SUPERVISOR FREY (SULLY DISTRICT)** (No Time)

Supervisor Frey had no Board Matters to present today.

30. **RECESS/CLOSED SESSION** (1:46 p.m.)

Supervisor Smyth moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section (§) 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 1. *Commonwealth of Virginia, ex rel. State Corporation Commission Ex Parte In The Matter of Adopting Rules and Regulations for Consideration of the Performance Incentive Authorized by Section 56-585.1.A.2.c of the Code of Virginia, PUE-2012-00021* (Va. State Corp. Comm'n)
 2. *Yazan Rousan v. P.F.C. D. N. Custer, Deputy D. Carty, Nurse Bornell, Nurse Practitioner Wang, Civil Action No. 1:12-CV-595* (E.D. Va.)
 3. *Board of Supervisors of Fairfax County, Virginia and Eileen M. McLane, Fairfax County Zoning Administrator v. SNSA, Inc. d/b/a Fast Eddie's*

Billiard Café, Record No. 121700 (Va. Sup. Ct.)
(Mount Vernon District)

4. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gail K. Etherton and Debora S. Etherton*, Case No. CL-2011-0013547 (Fx. Co. Cir. Ct.) (Springfield District)
5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. James M. Shifflett, Sr., et al.*, Case No. CL-2009-0014727 (Fx. Co. Cir. Ct.) (Mount Vernon District)
6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bahram Sadeghian and Shahrzad Marzban*, Case No. CL-2012-0005049 (Fx. Co. Cir. Ct.) (Dranesville District)
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Duane S. Whitney, Edward N. Whitney, Arthur M. Whitney, Pamela V. Whitney, Rhonda L. Whitney, Candace Alexander, and Jeanette Alexander*, Case No. CL-2007-0005644 (Fx. Co. Cir. Ct.) (Providence District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robert E. Stroup*, Case No. CL-2012-0000352 (Fx. Co. Cir. Ct.) (Providence District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tony Marks*, Case No. CL-2011-0015540 (Fx. Co. Cir. Ct.) (Mason District)
10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. James M. Shifflett, Sr.*, Case No. CL-2012-0003389 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tina M. Howard*, Case No. CL-2011-0017608 (Fx. Co. Cir. Ct.) (Providence District)

12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose I. Pardo and Hilda C. Pardo*, Case No. CL-2011-0006092 (Fx. Co. Cir. Ct.) (Lee District)
13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Charles Yeh and Mary Yeh*, Case No. CL-2012-0002343 (Fx. Co. Cir. Ct.) (Dranesville District)
14. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. David R. Benbennick and Erin Benbennick*, Case No. CL-2012-0001556 (Fx. Co. Cir. Ct.) (Hunter Mill District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Frank L. Stevens and Mary E. T. Stevens*, Case No. CL-2012-0005051 (Fx. Co. Cir. Ct.) (Providence District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ghafoor Ghamary and Laleh Niknami*, Case No. CL-2012-0005327 (Fx. Co. Cir. Ct.) (Dranesville District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sonia Soledad Nina*, Case No. CL-2012-0009251 (Fx. Co. Cir. Ct.) (Mason District)
18. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Michael Joseph Powers*, Case No. CL-2012-0003924 (Fx. Co. Cir. Ct.) (Lee District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alcides A. Gutierrez and Argentina M. Gutierrez*, Case No. CL-2012-0009539 (Fx. Co. Cir. Ct.) (Lee District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jesus Rojas and Leonor Gutierrez, a.k.a. Leonor Rojas*, Case No.

- CL-2012-0008379 (Fx. Co. Cir. Ct.) (Dranesville District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lowell Fine and Ethel V. Fine*, Case No. CL-2011-0003529 (Fx. Co. Cir. Ct.) (Lee District)
 22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Richard Albin Cauthers, Jr.*, Case No. CL-2012-0014798 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jefferson Investment Company, L.P., d/b/a Jefferson Investment Company, LLC*, Case No. CL-2012-0014850 (Fx. Co. Cir. Ct.) (Providence District)
 24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Daniel Marshall Whedon*, Case No. CL-2012-0014879 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Oliver I. Mogan*, Case No. CL-2012-0015053 (Fx. Co. Cir. Ct.) (Mason District)
 26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wilder B. Montano*, Case No. CL-2012-0015051 (Fx. Co. Cir. Ct.) (Mason District)
 27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Abolhassan Zarandazchi and Fariba Javaherian*, Case No. CL-2012-0015184 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lubna F. Ahmed*, Case No. CL-2012-0015342 (Fx. Co. Cir. Ct.) (Dranesville District)
 29. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John T. Myers and Carol V. Myers*, Case

No. GV12-024694 (Fx. Co. Gen. Dist. Ct.)
(Dranesville District)

30. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Temesgen M. Bitew*, Case No. GV12-024876 (Fx. Co. Gen. Dist. Ct.) (Mason District)

And in addition:

- *Virginia Department of Transportation, et al. v. United States Environmental Protection Agency, et al.*
- Virginia Code Section 24.2-612

Supervisor Foust seconded the motion and it carried by unanimous vote.

At 4:21 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Bulova presiding.

ACTIONS FROM CLOSED SESSION

31. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:21 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE."

32. **PERFORMANCE INCENTIVE AUTHORIZED BY VIRGINIA CODE SECTION 56-585.1 A 2 c IN STATE CORPORATION COMMISSION (SCC) CASE NUMBER PUE-2012-00021** (4:22 p.m.)

Supervisor Gross moved that the Board authorize the Department of Cable and Consumer Services and the County Attorney's Office to file comments consistent with the recommendations of staff concerning the SCC's *ex parte* proceeding to adopt rules and regulations for consideration of the Performance Incentive authorized by Virginia Code Section 56-585.1 A 2 c in SCC Case Number PUE-2012-00021. Supervisor Foust seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

33. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2011-MV-031 (MIDATLANTIC REALTY PARTNERS, LLC) (MOUNT VERNON DISTRICT)** (4:24 p.m.)

Supervisor Hyland moved to defer the public hearing on Rezoning Application RZ 2011-MV-031 until **December 4, 2012, at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

34. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2012-PR-007 (STERLING JEWELERS, INCORPORATED D/B/A JARED THE GALLERIA OF JEWELRY) (PROVIDENCE DISTRICT)** (4:24 p.m.)

Supervisor Smyth moved to defer the public hearing on Special Exception Application SE 2012-PR-007 until **November 20, 2012, at 3 p.m.** Chairman Bulova seconded the motion and it carried by unanimous vote.

35. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2011-PR-023 (CITYLINE PARTNERS LLC) (PROVIDENCE DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-D-005-07 (CITYLINE PARTNERS LLC) (PROVIDENCE DISTRICT) (4:25 p.m.)

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2011-PR-023 and Proffered Condition Amendment Application PCA 88-D-005-07 until **November 20, 2012, at 3 p.m.** Supervisor McKay seconded the motion and it carried by unanimous vote.

36. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2006-SU-007 (TIMBER RIDGE AT EDS, LLC) (SULLY DISTRICT)** (4:26 p.m.)

Supervisor Frey moved to defer the public hearing on Proffered Condition Amendment Application PCA 2006-SU-007 until **November 20, 2012, at 3 p.m.** Supervisor McKay seconded the motion and it carried by unanimous vote.

37. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2010-PR-019 (KETTLER SANDBURG, LLC) (PROVIDENCE DISTRICT)** (4:27 p.m.)

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2010-PR-019 until **January 8, 2013, at 3 p.m.** Supervisor Foust seconded the motion and it carried by unanimous vote.

38. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2012-HM-006 (TYSONS WEST RESIDENTIAL, LLC) (HUNTER MILL DISTRICT)**
(4:27 p.m.)

Supervisor Hudgins moved to defer the public hearing on Special Exception Application SE 2012-HM-006 until **November 20, 2012, at 3:30 p.m.** Supervisor Foust seconded the motion and it carried by unanimous vote.

39. **4 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 93-L-014-02 (BURGUNDY FARM COUNTRY DAY SCHOOL, INCORPORATED) (LEE DISTRICT)** (4:28 p.m.)

Supervisor McKay moved to defer the public hearing on Special Exception Amendment Application SEA 93-L-014-02 until **November 20, 2012, at 3:30 p.m.** Supervisor Foust seconded the motion and it carried by unanimous vote.

40. **4 P.M. – PH ON PLAN AMENDMENT S12-IV-MV1 (PENN DAW CBC, LAND UNITS D & F-1) (MOUNT VERNON DISTRICT)** (4:29 p.m.)

Supervisor Hyland moved to defer the public hearing on Plan Amendment S12-IV-MV1 until **December 4, 2012, at 3:30 p.m.** Supervisor Foust seconded the motion and it carried by unanimous vote.

41. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, TO ESTABLISH AGRICULTURAL APPLICATION AF 2012-SU-001 (JON AND KIM HICKOX) (SULLY DISTRICT)** (4:29 p.m.)

Supervisor Frey moved to defer the public hearing on Agricultural Application AF 2012-SU-001 until **November 20, 2012, at 3:30 p.m.** Supervisor Foust seconded the motion and it carried by unanimous vote.

42. **4 P.M. – PH TO AUTHORIZE THE CONVEYANCE OF A PORTION OF BOARD-OWNED PROPERTY TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE LEESBURG PIKE WIDENING PROJECT (HUNTER MILL DISTRICT)** (4:30 p.m.)

Supervisor Hudgins moved to defer the public hearing to authorize the conveyance of a portion of Board-owned property to VDOT until **November 20, 2012, at 3:30 p.m.** Supervisor Foust seconded the motion and it carried by unanimous vote.

43. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (4:31 p.m.)

Chairman Bulova relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to advise the citizens signed up to speak at Public Comment when the next opportunity to speak is scheduled. Without objection, it was so ordered.

Vice-Chairman Gross returned the gavel to Chairman Bulova.

ADDITIONAL BOARD MATTER

44. **ABSENTEE VOTING** (4:31 p.m.)

(NOTE: Earlier in the morning, during a briefing regarding Hurricane Sandy, this issue was discussed. See Clerk's Summary Item #3.)

Following a query from Chairman Bulova, regarding voting, Edward L. Long Jr., County Executive, announced that all seven satellite locations will be open tomorrow and the Government Center location hours will be extended this evening until 8 p.m.

Chairman Bulova clarified the schedule as follows:

- All seven satellite locations and the Government Center will be open tomorrow
- The hours at the Government Center will be from 8 a.m. until 8 p.m. (Wednesday thru Friday)
- All satellite locations will be from noon until 8 p.m. (Wednesday thru Friday)
- Anyone in line at 8 p.m. will have the opportunity to vote no matter how long it takes the line to get through
- Saturday at all locations from 8 a.m. until 5 p.m.

Following a question from Supervisor Herrity regarding the extended hours, Merni Fitzgerald, Director, Office of Public Affairs, confirmed that Electoral Board made the decision to extend the hours.

45. **BOARD ADJOURNMENT** (4:33 p.m.)

The Board adjourned.

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